

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today
(1) was not written for publication in a law journal and
(2) is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHRISTOPHER H. STROLLE
AND RAYMOND A. SCHNITZLER

Appeal No. 96-2748
Application 08/008,813¹

ON BRIEF

Before HARKCOM, Vice Chief Administrative Patent Judge, and
THOMAS and KRASS, Administrative Patent Judges.

THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

Appellants have appealed to the Board from the examiner's
final rejection of claims 1 to 3, 5 to 8, 10 to 14, 16, and

¹ Application for patent filed January 25, 1993. According to
applicants, this application is a continuation-in-part of Application
07/604,494, filed October 26, 1990, now abandoned.

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18 to 23, the examiner having allowed claims 4, 9, 15, 17,
and 24-31.²

Representative claim 1 is reproduced below:

1. A recording system for recording a luminance signal having a high frequency portion and a low frequency portion on a recording medium, said recording system comprising:

means for generating a control signal representative of an amplitude level of said high-frequency portion of said luminance signal;

means for reducing the amplitude level of said high-frequency portion of said luminance signal relative to said low frequency portion in response to said control signal, thereby generating a reduced-highs luminance signal; and

means for generating a combined signal by combining said reduced-highs luminance signal with said control signal, and recording said combined signal on said recording medium.

The following references are relied on by the examiner:

Sassler	4,318,126	Mar. 2, 1982
Strolle et al. (Strolle)	5,113,262	May 12, 1992

Claims 1 to 3, 5 to 8, 10 to 14, 16, and 18 to 23 stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the examiner relies upon Strolle in view of Sassler.

² The Notice of Appeal filed on March 29, 1995 does not list claim 16 among those claims appealed. Since the substance of the final rejection included claim 16 among those claims finally rejected, we consider this omission an inadvertent error.

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Rather than repeat the positions of the appellants and the examiner, reference is made to the briefs and the answer for the respective details thereof.

OPINION

We reverse the outstanding rejection of all claims on appeal since we have concluded that the examiner has failed to set forth a prima facie case of obviousness.

Pages 12 through 15 of the principal brief on appeal outline the pertinent language of each respective independent claim 1, 10 and 16 on appeal that is the focus of the dispute between the examiner and the appellants. Independent claim 1 sets forth features relating to a record operation which are similarly recited in independent claim 16. Correspondingly, independent claim 10 sets forth certain reproduction features which are also claimed in independent claim 16. Both references relied upon teach either that the record/reproduce operations are complementary to each other or that the transmit/receive operations are complementary. Therefore, we focus upon the features of representative independent claim 1 on appeal as they relate to a recording system.

Strolle is appellants' earlier contribution in the art. The disclosure herein reveals that the present application is said to be an improvement over this earlier patent. The examiner's reliance upon Figure 6 of Strolle is appropriate to the subject matter of independent claim 1 on appeal. The examiner's basic assertion is correct that this reference in this figure generates a control signal representative of the amplitude level of the high frequency portion of the luminance signal as claimed and does, in fact, use this signal to reduce the amplitude level of the high frequency portion of that signal. The claimed control signal is the output from the level detector 504 feeding the control input to the soft switch 508. However, the output from the low pass filter 510 in Figure 6 is L_f which represents only the folded luminance signal in its entirety. There is no combination of the claimed control signal with the luminance signal at the output of the overall circuit shown in Figure 6. In contrast, Figure 2 of Strolle shows that the chrominance signal is combined with a motion signal, M , and recorded. However, this motion signal, a form of control signal like the one set forth in representative claim 1 on appeal, does not represent the amplitude level of the high frequency portion of the luminance signal as required by claim 1.

Therefore, the examiner relies upon the teachings in Sassler which does generate various control signals in a multiplexed satellite communication environment. We surmise that the examiner considers the record capability of the disclosed and claimed invention analogous to the transmit portions in Figure 1 of Sassler and the corresponding reproduction features of the disclosed and claimed invention to correspond to the receiver portion of Figure 2 of Sassler. This reference generates various control signals to allow a satellite transmitted video signal to be more able to occupy the available transponder deviation frequency allotted to the channel such as to allow one transponder's channel to transmit two video channels. We cannot independently verify that Sassler's control signals are utilized to adjust the luminance signal in the ROM 62 in Figures 1 and 3 of this reference as alleged by the examiner. The control signals in Sassler do not appear to be representative of an amplitude level of the high frequency portion of the luminance signal as required by claim 1 on appeal but of all portions of a video signal. A minimum level signal value appears to be transmitted along with control information which allows the receiver to reconstruct the original video signal. The mere

fact that Sassler does generate control signals which are transmitted with the processed video information would not necessarily have indicated to the artisan the applicability of Sassler's teachings to those of Strolle.

Our understanding of Sassler from our study of this reference seems to indicate that the transmit portion Figure 1 of this reference would, in fact, perform some kind of signal emphasis or amplification of the video signals before transmission and then to de-emphasize such signals in a receiver portion in Figure 2. Representative independent claim 1 essentially requires for a transmit or record operation a signal level to be de-emphasized and a receiver operation or reproduce operation in independent claims 10 and 16 on appeal be reemphasized. One teaching value of Sassler, therefore, appears to be opposite that which is required by the claims on appeal. Thus, our observation as to the teachings of Sassler appears to be in agreement with appellants' similar observation made at the bottom on page 27 of the principal brief on appeal.

In view of the foregoing, we conclude that the artisan would not have found obvious the subject matter of each independent claims 1, 10 and 16 on appeal based upon the combined teachings and suggestions of the references relied upon by the examiner as

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well as from the reasoning advanced by the examiner. Since we have not sustained the rejection of each independent claim on appeal, the rejection of their respective dependent claims falls as well. Accordingly, the decision of the examiner rejecting all claims on appeal under 35 U.S.C. § 103 is reversed.

REVERSED

GARY V. HARKCOM, Vice Chief)	
Administrative Patent Judge)	
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JAMES D. THOMAS)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
ERROL A. KRASS)	
Administrative Patent Judge)	

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